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Attorneys for Defendants Rock Creek  
Cattle Company, LTD, Rock Creek  
Cattle Company Homeowners Association, Inc.,  
and Julianne Berenyi

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

WENDI ARTZ,	)	Cause No. CV 20-07-BU-BMM-KLD
	)	
Plaintiff,	)	
	)	<b>DEFENDANTS' <u>UNOPPOSED</u></b>
vs.	)	<b>MOTION TO DISMISS FOR</b>
	)	<b>IMPROPER VENUE</b>
ROCK CREEK CATTLE COMPANY,	)	
LTD, ROCK CREEK CATTLE	)	
COMPANY HOMEOWNERS	)	
ASSOCIATION, INC., JULIANNE	)	
BERENYI, and DOES A – E,	)	
	)	
Defendants.	)	

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Pursuant to Federal Rule of Civil Procedure 12(b)(3), Defendants Rock  
Creek Cattle Company, Ltd.; Rock Creek Cattle Company Homeowners  
Association, Inc.; and Julianne Berenyi respectfully submit this Motion to Dismiss

for Improper Venue. Counsel for Plaintiff has indicated that he does not oppose the motion.

Good cause exists for the motion. 28 U.S.C. § 1391 generally provides that a civil action may be venued in a judicial district in which any defendant resides, or a judicial district in which a substantial part of the events giving rise to the claim occurred. “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Plaintiff alleges that the events giving rise to her injury took place in Powell County, Montana. Powell County is in the Helena Division of this Court, not the Butte Division. *See* Local Rule 1.2(c)(4). The case is properly venued in the Helena Division.

A proposed order is lodged herewith.

DATED February 26, 2020.

CROWLEY FLECK PLLP

By /s/ Brett P. Clark  
Brett P. Clark  
Rock Creek Cattle Company, LTD,  
Rock Creek Cattle Company  
Homeowners Association, Inc., and  
Julianne Berenyi

**CERTIFICATE OF SERVICE**

I hereby certify that on February 26, 2020 I electronically filed the foregoing with the Clerk of Court for the United States District Court for the District of Montana by using the CM/ECF system. I certify that all participants having appeared in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

CROWLEY FLECK PLLP

By /s/ Brett P. Clark

Brett P. Clark

Rock Creek Cattle Company, LTD,  
Rock Creek Cattle Company  
Homeowners Association, Inc., and  
Julianne Berenyi